

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                           |   |              |
|---------------------------|---|--------------|
| IN RE NUTRISYSTEM, INC.   | : | CIVIL ACTION |
| SECURITIES LITIGATION     | : |              |
|                           | : | NO. 07-4215  |
| This document relates to: | : |              |
| All Actions               | : | MASTER FILE  |

ORDER

AND NOW, this 31st day of August, 2009, upon consideration of the defendants' Motion to Dismiss the Consolidated Amended Complaint (Docket No. 36), and the response and reply thereto, and after oral argument, IT IS HEREBY ORDERED, for the reasons stated in a Memorandum of today's date, that the Motion is GRANTED and the Consolidated Class Complaint is DISMISSED.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.